

### **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 17 and 21 have been cancelled without prejudice or disclaimer. Claims 1, 5, 9, 15, 20, 22 and 24 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16, 18-20, 22 and 24-27 are now pending in this application.

#### **Allowable subject matter**

Applicants appreciate the indication that claims 5, 21 and 22 include allowable subject matter. Claim 5 has been rewritten in independent form. Independent claims 1, 9, 20 and 24 have been amended to essentially include the limitations of claim 21, which has been cancelled. Claims 1, 9, 20 and 24 have been amended, however, to include the broader language of "wherein the microstructured optical element comprises a photonic band gap material", instead of "wherein the microstructured optical element consists of photonic band gap material".

#### **Rejections under 35 U.S.C. § 103**

Claims 1-4, 6-18, 20, 21 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,870 to Ranka et al. (hereafter "Ranka"). Applicants submit this rejection is moot in light of the amendment to independent claims 1, 9, 20 and 24 to include the allowable subject matter from claim 21.

All of the independent claims, 1, 9, 20 and 24, except for claim 5 which has been rewritten in independent form, have been amended to essentially include limitations from

claim 21, which has been canceled. In view of the indication in the Office Action that claim 21 contains allowable subject matter, applicants submit that all of independent claims 1, 9, 20 and 24 are now allowable.

The dependent claims are allowable for the reasons given above with respect to independent claims 1, 9 and 20, and for reciting further patentable features.

Applicants are concerned that the paraphrasing of the allowed claims in the reasons for allowance may not be accurate. Applicants understand that the combination of features as set forth in the allowed claims is not found or suggested by the prior art. If this understanding is not correct, the Examiner is respectfully requested to please inform the undersigned.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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